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ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Report of the Third Committee

Rapporteur: Mr. Vitavas SRIVIHOK (Thailand)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 18 September 1992, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-seventh session the item entitled "Elimination of racism and racial discrimination" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with item 92 at its 3rd to 10th, 13th, 16th, 20th, 25th and 30th meetings, on 5, 7 to 9, 14, 21, 23 and 28 October and 2 and 5 November 1992. An account of the Committee's discussions is contained in the relevant summary records (A/C.3/47/SR.3-10, 13, 16, 20, 25 and 30).

3. For its consideration of the item, the Committee had before it the following documentation:

(a) Report of the Committee on the Elimination of Racial Discrimination (A/47/18); 1/

(b) Report of the Secretary-General on the status of the International Convention on Elimination of All Forms of Racial Discrimination (A/47/425);

1/ To be issued as Official Records of the General Assembly, Forty-seventh Session, Supplement No. 18 (A/47/18).

(c) Report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid (A/47/426);

(d) Report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and launching of a third decade to combat racism and racial discrimination (A/47/432);

(e) Note by the Secretary-General transmitting the report of the Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonial regime of South Africa (A/47/480 and Add.1);

(f) Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/47/481);

(g) Letter dated 20 October 1992 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/47/567-S/24695).

4. At the 3rd meeting, on 5 October, the Under-Secretary-General for Human Rights made a statement (see A/C.3/47/SR.3).

II. CONSIDERATION OF PROPOSALS

A. Draft decision A/C.3/47/L.2

5. At the 13th meeting, on 21 October 1992, the representative of Mauritania, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft decision (A/C.3/47/L.2) entitled "Elimination of racism and racial discrimination".

6. At its 20th meeting, on 28 October, the Committee adopted the draft decision without a vote (see para. 31, draft decision I).

B. Draft resolution A/C.3/47/L.3 and Rev.1

7. At the 13th meeting, on 21 October 1992, the representative of Mauritania, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft resolution (A/C.3/47/L.3) entitled "Second Decade to Combat Racism and Racial Discrimination", which read as follows:

"The General Assembly,

"Reaffirming its objective set forth in the Charter of the United Nations to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms, racial discrimination and apartheid,

"Recalling the Universal Declaration of Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the International Convention on the Suppression and Punishment of the Crime of Apartheid, 4/ and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960, 5/

"Recalling also its resolution 3057 (XXVIII) of 2 November 1973, on the first Decade for Action to Combat Racism and Racial Discrimination, and its resolution 38/14 of 22 November 1983, on the Second Decade to Combat Racism and Racial Discrimination,

"Recalling further the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

"Bearing in mind the Report of the Second World Conference to Combat Racism and Racial Discrimination, 6/

"Convinced that the Second World Conference represented a positive contribution by the international community towards attaining the objectives of the Decade, through its adoption of a Declaration 7/ and an operational Programme of Action 7/ for the Second Decade to Combat Racism and Racial Discrimination,

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2/ Resolution 217 A (III).

3/ Resolution 2106 A (XX), annex.

4/ Resolution 3068 (XXVIII), annex.

5/ United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Eleventh Session, Resolutions, p. 119.

6/ United Nations publication, Sales No. E.83.XIV.4 and corrigendum.

7/ Ibid., chap. II.

"Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism, racial discrimination and apartheid,

"Deeply concerned about the current trend of the evolution of racism into a theory of discrimination based on culture, nationality, religion or language,

"Recalling, in particular, its resolution 46/85 of 16 December 1991,

"Emphasizing once again the necessity of attaining all the objectives of the Second Decade,

"Having considered the report submitted by the Secretary-General 8/ within the framework of the implementation of the Programme of Action for the Second Decade,

"Firmly convinced of the need to take more effective and sustained international measures for the elimination of all forms of racism and racial discrimination and the total eradication of apartheid in South Africa,

"Recognizing the importance of strengthening, where necessary, national legislation and institutions for the promotion of racial harmony,

"Aware of the importance and the magnitude of the phenomenon of migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

"Convinced of the importance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 9/ adopted at its forty-fifth session, and of the necessity of its implementation,

"Reaffirming the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 10/ unanimously adopted by the General Assembly at its sixteenth special session, on 14 December 1989, which offers guidelines on how to end apartheid,

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8/ E/1992/66.

9/ Resolution 45/158, annex.

10/ Resolution S-16/1, annex.

"1. Declares once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

"2. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by ongoing adjustment of the methods used to combat them;

"3. Decides that the international community, in general, and the United Nations, in particular, should continue to give the highest priority to programmes for combating racism, racial discrimination and apartheid and intensify their efforts, during the latter part of the Second Decade to Combat Racism and Racial Discrimination, to provide assistance and relief to the victims of racism and all forms of racial discrimination and apartheid, especially in South Africa and in occupied territories and territories under alien domination;

"4. Appeals to all Governments and to international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils;

"5. Notes and commends the efforts made to coordinate all the programmes currently under implementation by the United Nations system that relate to the objectives of the Second Decade, and encourages the Coordinator for the Second Decade to Combat Racism and Racial Discrimination to continue his efforts;

"6. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and expresses the hope that it will enter into force at an early date;

"7. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the field of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

"8. Also requests the Secretary-General to revise and finalize the draft model of legislation for the guidance of Governments in the enactment of further legislation against racial discrimination in the light of comments made by members of the Committee on the Elimination of Racial Discrimination at its fortieth and forty-ninth sessions and publish and distribute it as the text as soon as possible;

"9. Renews its invitation to the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and education activities on human rights and against racism and racial discrimination, with particular emphasis on the activities at the primary and secondary levels of education;

"10. Considers that all the parts of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination should be given equal attention in order to attain the objectives of the Second Decade;

"11. Regrets that most of the activities scheduled for the period 1992-1993 have not been implemented because of lack of adequate resources;

"12. Calls upon the international community to provide the Secretary-General with appropriate financial resources for an efficient action against racism and racial discrimination;

"13. Requests the Secretary-General to accord the highest priority to activities of the programme of action for the Third Decade to Combat Racism and Racial Discrimination, aiming at monitoring the transition from apartheid to a non-racist society in South Africa;

"14. Also requests the Secretary-General, pursuant to General Assembly resolutions 42/47 of 30 November 1987, 44/52 of 8 December 1989 and 45/105 of 14 December 1990, to ensure that the necessary and additional resources are included in the programme budget for the biennium 1992-1993 to provide for the implementation of the activities of the Second Decade;

"15. Further requests the Secretary-General to continue to accord the highest priority, in executing the plan of activities, to measures for combating apartheid;

"16. Calls upon Governments to encourage further positive change in South Africa based on the guidelines set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 10/ in particular by maintaining effective and sustained international pressure against South Africa;

"17. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the activities scheduled for the period 1990-1993 which have not yet been carried out, by intensifying and broadening their efforts to bring about the speedy elimination of apartheid and all forms of racism and racial discrimination;

"18. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination are indispensable for the implementation of the above-mentioned programmes;

"19. Notes with regret that since its establishment, contributions to the voluntary fund for the programme for the Decade have been scarce despite repeated appeals by the Secretary-General;

"20. Strongly appeals, therefore, to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

"21. Takes note of the report of the Secretary-General 11/ on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and launching of a third decade to combat racism and racial discrimination and requests him to prepare a draft programme of action for the third decade and to submit it to the General Assembly at its forty-eighth session, taking into account, inter alia, the elements of the Programme of Action for the Second Decade that have not yet been completed;

"22. Invites the Commission on Human Rights at its forty-ninth session to recommend activities to be undertaken during the Third Decade to Combat Racism and Racial Discrimination;

"23. Decides to keep the item entitled 'Elimination of Racism and Racial Discrimination' on its agenda and to consider it as a matter of highest priority at its forty-eighth session."

8. At the same meeting, the representative of Mauritania orally revised the draft resolution as follows:

(a) After operative paragraph 5, the following new operative paragraph was inserted:

"Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;"

(b) In operative paragraph 10, the words "once again" were inserted after the word "Considers".

11/ A/47/432.

9. At the 25th meeting, on 2 November, the representative of Mauritius, on behalf of the same sponsors, introduced a revised draft resolution (A/C.3/47/L.3/Rev.1).

10. At the same meeting, the representative of the United States of America made a statement.

11. At the 30th meeting, on 5 November, the representative of Mauritius, on behalf of the same sponsors, orally revised draft resolution A/C.3/47/L.3/Rev.1 by deleting the words "especially in South Africa and in occupied territories and territories under alien domination" at the end of operative paragraph 3.

12. At the same meeting, the Committee adopted draft resolution A/C.3/47/L.3/Rev.1, as orally revised, without a vote (see para. 30, draft resolution I).

13. After the adoption of the revised draft resolution, statements were made by the representatives of Japan, the United States of America and Australia (see A/C.3/47/SR.30).

C. Draft resolution A/C.3/47/L.6

14. At the 13th meeting, on 21 October 1992, the representative of Belgium, on behalf of Algeria, Argentina, Australia, Bahamas, Belgium, Botswana, Brazil, Bulgaria, Canada, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Egypt, Ethiopia, France, Germany, Greece, Hungary, India, Italy, Luxembourg, Morocco, the Netherlands, New Zealand, Norway, Poland, Portugal, the Russian Federation, Rwanda, Senegal, Spain, Sweden, Togo, the United Kingdom of Great Britain and Northern Ireland and Uruguay, introduced a draft resolution (A/C.3/47/L.6) entitled "Status of the International Convention on the Elimination of All Forms of Racial Discrimination". Subsequently, Romania joined in sponsoring the draft resolution.

15. At its 20th meeting, on 28 October, the Committee adopted draft resolution A/C.3/47/L.6 without a vote (see para. 30, draft resolution II).

D. Draft resolution A/C.3/47/L.8

16. At the 13th meeting, on 21 October 1992, the representative of Slovenia, on behalf of Algeria, Australia, Bangladesh, Bosnia and Herzegovina, Bulgaria, Canada, Colombia, Croatia, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Egypt, Finland, Germany, Hungary, Iceland, Mexico, Morocco, New Zealand, Nigeria, Norway, Pakistan, Poland, the Russian Federation, Slovenia, Sweden, Vanuatu and Venezuela, introduced a draft resolution (A/C.3/47/L.8) entitled "Report of the Committee on the Elimination of Racial Discrimination". Subsequently, Nicaragua and Romania joined in sponsoring the draft resolution.

17. At its 20th meeting, on 28 October, the Committee adopted draft resolution A/C.3/47/L.8 without a vote (see para. 30, draft resolution III).

18. After the adoption of the draft resolution, statements were made by the representatives of Japan and the United States of America (see A/C.3/47/SR.20).

E. Draft resolution A/C.3/47/L.9 and Rev.1 and proposed amendments contained in document A/C.3/47/L.12

19. At the 13th meeting, on 21 October 1992, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Afghanistan, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Morocco, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Spain, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela, subsequently joined by Panama and Sweden, introduced a draft resolution (A/C.3/47/L.9) entitled "Ethnic cleansing and racial hatred", which read as follows:

"The General Assembly,

"Recalling the Charter of the United Nations, the Universal Declaration of Human Rights, 12/ the International Covenants on Human Rights 13/ and the International Convention on the Elimination of All Forms of Racial Discrimination, 14/

"Reaffirming its conviction that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

"Reaffirming also its conviction that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within the same State,

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12/ Resolution 217 A (III).

13/ Resolution 2200 A (XXI), annex.

14/ Resolution 2106 A (XX), annex.

"Convinced that the existence of racial and ethnic barriers is repugnant to the ideals of any human society, and aware of the need to strengthen efforts to eliminate all forms of racial hatred,

"Alarmed by the fact that, notwithstanding the efforts of the international community to eradicate them, there are still in many parts of the world manifestations of racial discrimination which are encouraged by a philosophy of racial superiority or hatred,

"Deeply alarmed by policies and practices of 'ethnic cleansing', which foster hatred and violence,

"1. Condemns unreservedly 'ethnic cleansing' and acts of violence arising from racial hatred;

"2. Strongly rejects policies and ideologies aimed at promoting racial hatred and 'ethnic cleansing';

"3. Reaffirms that 'ethnic cleansing' and racial hatred are totally incompatible with universally recognized human rights and fundamental freedoms;

"4. Reiterates its conviction that those who commit or order the commission of acts of 'ethnic cleansing' are personally responsible, and should be brought to justice;

"5. Demands that all those who commit or order acts of 'ethnic cleansing' put an end to them immediately;

"6. Calls upon all States to cooperate in eliminating all forms of 'ethnic cleansing' and racial hatred."

20. At the 20th meeting, on 28 October, the representative of Turkey introduced proposed amendments (A/C.3/47/L.12) to draft resolution A/C.3/47/L.9, which read as follows:

"1. After the first preambular paragraph, insert the following preambular paragraph:

'Reaffirming its resolution 46/24? of 25 August 1992,'.

"2. In the third preambular paragraph after 'colour' add ', religion'.

"3. After the words 'hatred and violence' in the last preambular paragraph, add the following phrase:

'whose most recent manifestations have become evident in Bosnia and Herzegovina,'."

21. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Croatia, Cyprus, Czechoslovakia, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Morocco, the Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Slovenia, Spain, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela, introduced a revised draft resolution (A/C.3/47/L.9/Rev.1).

22. At the 25th meeting, on 2 November, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of the same sponsors, subsequently joined by Costa Rica, Ecuador, India, Panama and Sweden, orally revised draft resolution A/C.3/47/L.9/Rev.1 as follows:

(a) In the seventh preambular paragraph, the word "protecting" was replaced by the word "respecting";

(b) The eighth preambular paragraph, which had read:

"Recalling its resolution 46/242 of 25 August 1992,";

was replaced with the following paragraph:

"Reaffirming its resolution 46/242 of 25 August 1992, in which it states that the abhorrent practice of 'ethnic cleansing' constitutes a grave and serious violation of international humanitarian law,";

(c) In operative paragraph 4, the words "personally accountable" were replaced with the words "individually responsible".

23. In the light of the introduction of the revised draft resolution (A/C.3/47/L.9/Rev.1), as orally revised, the proposed amendments contained in document A/C.3/47/L.12 were withdrawn.

24. At the same meeting, the Committee adopted draft resolution A/C.3/47/L.9/Rev.1, as orally revised, without a vote (see para. 30, draft resolution IV).

25. After the adoption of the revised draft resolution, a statement was made by the representative of the Russian Federation (see A/C.3/47/SR.25).

F. Draft resolution A/C.3/47/L.10

26. At the 16th meeting, on 23 October 1992, the representative of Zimbabwe, on behalf of Angola, Botswana, Mozambique, Namibia, the United Republic of Tanzania, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/47/L.10) entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid".

27. At the 25th meeting, on 2 November, the Committee adopted draft resolution A/C.3/47/L.10 by a recorded vote of 93 to 1, with 42 abstentions (see para. 30, draft resolution V). The voting was as follows: 15/

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic Peoples Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Peru, Qatar, Republic of Moldova, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Argentina, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Netherlands, New Zealand, Nigeria, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland.

15/ The representatives of Kazakhstan, Kenya and the Philippines stated that, had they been present, they would have voted in favour of the draft resolution. The representative of Spain stated that, had he been present, he would have abstained.

28. After the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Brazil, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Community), Japan and New Zealand (see A/C.3/47/SR.25).

Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa

29. At its 25th meeting, on 2 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the note by the Secretary-General transmitting the report of the Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonial regime of South Africa 16/ (see para. 31, draft decision II).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

30. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Second Decade to Combat Racism and Racial Discrimination

The General Assembly,

Reaffirming its objective set forth in the Charter of the United Nations to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms, racial discrimination and apartheid,

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16/ A/47/480 and Add.1.

Recalling the Universal Declaration of Human Rights, 17/ the International Convention on the Elimination of All Forms of Racial Discrimination, 18/ the International Convention on the Suppression and Punishment of the Crime of Apartheid, 19/ and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960, 20/

Recalling also its resolution 3057 (XXVIII) of 2 November 1973, on the first Decade for Action to Combat Racism and Racial Discrimination, and its resolution 38/14 of 22 November 1983, on the Second Decade to Combat Racism and Racial Discrimination,

Recalling further the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Bearing in mind the Report of the Second World Conference to Combat Racism and Racial Discrimination, 21/

Convinced that the Second World Conference represented a positive contribution by the international community towards attaining the objectives of the Decade, through its adoption of a Declaration 22/ and an operational Programme of Action 22/ for the Second Decade to Combat Racism and Racial Discrimination,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism, racial discrimination and apartheid,

Deeply concerned about the current trend of the evolution of racism into discriminatory practices based on culture, nationality, religion or language,

Recalling, in particular, its resolution 46/85 of 16 December 1991,

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17/ Resolution 217 A (III).

18/ Resolution 2106 A (XX), annex.

19/ Resolution 3068 (XXVIII), annex.

20/ United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Eleventh Session, Resolutions, p. 119.

21/ United Nations publication, Sales No. E.83.XIV.4 and corrigendum.

22/ Ibid., chap. II.

Emphasizing once again the necessity of attaining all the objectives of the Second Decade,

Having considered the report submitted by the Secretary-General 23/ within the framework of the implementation of the Programme of Action for the Second Decade,

Firmly convinced of the need to take more effective and sustained international measures for the elimination of all forms of racism and racial discrimination and the total eradication of apartheid in South Africa,

Recognizing the importance of strengthening, where necessary, national legislation and institutions for the promotion of racial harmony,

Aware of the importance and the magnitude of the phenomenon of migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 24/

Reaffirming the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 25/ unanimously adopted by the General Assembly at its sixteenth special session, on 14 December 1989, which offers guidelines on how to end apartheid,

1. Declares once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by ongoing adjustment of the methods used to combat them;

3. Decides that the international community, in general, and the United Nations, in particular, should continue to give the highest priority to programmes for combating racism, racial discrimination and apartheid and intensify their efforts, during the latter part of the Second Decade to Combat

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23/ A/47/432.

24/ Resolution 45/158, annex.

25/ Resolution S-16/1, annex.

Racism and Racial Discrimination, to provide assistance and relief to the victims of racism and all forms of racial discrimination and apartheid;

4. Appeals to all Governments and to international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils;

5. Notes and commends the efforts made to coordinate all the programmes currently under implementation by the United Nations system that relate to the objectives of the Second Decade, and encourages the Coordinator for the Second Decade to Combat Racism and Racial Discrimination to continue his efforts;

6. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

7. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, in view of its possible early entry into force;

8. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the field of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

9. Also requests the Secretary-General to revise and finalize the draft model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination in the light of comments made by members of the Committee on the Elimination of Racial Discrimination at its fortieth and forty-first sessions and to publish and distribute the text as soon as possible;

10. Renews its invitation to the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and education activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

11. Considers once again that all the parts of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination should be given equal attention in order to attain the objectives of the Second Decade;

12. Regrets that most of the activities scheduled for the period 1992-1993 have not been implemented because of lack of adequate resources;

13. Calls upon the international community to provide the Secretary-General with appropriate financial resources for efficient action against racism and racial discrimination;

14. Requests the Secretary-General to accord the highest priority to activities of the programme of action for the third decade to combat racism and racial discrimination, aiming at monitoring the transition from apartheid to a non-racist society in South Africa;

15. Also requests the Secretary-General, pursuant to General Assembly resolutions 42/47 of 30 November 1987, 44/52 of 8 December 1989 and 45/105 of 14 December 1990, to ensure that the necessary and additional resources are included in the programme budget for the biennium 1992-1993 to provide for the implementation of the activities of the Second Decade;

16. Further requests the Secretary-General to continue to accord the highest priority, in executing the plan of activities, to measures for combating apartheid;

17. Calls upon Governments to encourage further positive change in South Africa based on the guidelines set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 25/ in particular by maintaining effective and sustained international pressure against South Africa;

18. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the activities scheduled for the period 1990-1993 which have not yet been carried out;

19. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination are indispensable for the implementation of the above-mentioned programmes;

20. Notes with regret that, since its establishment, contributions to the voluntary Trust Fund for the Programme for the Decade have been scarce despite repeated appeals by the Secretary-General;

21. Strongly appeals, therefore, to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

22. Takes note of the report of the Secretary-General 23/ on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and the launching of a third decade to combat racism and racial discrimination, and requests him to prepare a draft programme of action for the third decade and to submit it to the General Assembly at its forty-eighth session, taking into account, inter alia, the elements of the Programme of Action for the Second Decade that have not yet been implemented;

23. Invites the Commission on Human Rights at its forty-ninth session to recommend activities to be undertaken during the third decade to combat racism and racial discrimination;

24. Decides to keep the item entitled "Elimination of racism and racial discrimination" on its agenda and to consider it as a matter of highest priority at its forty-eighth session.

DRAFT RESOLUTION II

Status of the International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its relevant resolutions adopted since 1973, the most recent of which is resolution 45/89 of 14 December 1990,

Expressing its satisfaction at the entry into force, on 3 December 1982, of the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, 18/

Recalling the decision of the fourteenth meeting of the States parties to the Convention to amend article 8, paragraph 6, of the Convention and to insert a new paragraph as article 8, paragraph 7, stating that the members of the Committee established under the Convention would henceforth receive emoluments from United Nations resources on such terms as the General Assembly would decide,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination; 26/

2. Expresses its satisfaction at the number of States that have ratified the Convention or acceded thereto;

3. Reaffirms once again its conviction that ratification of or accession to the Convention on a universal basis and implementation of its provisions are necessary for the realization of the objectives of the Second Decade to Combat Racism and Racial Discrimination and for action beyond the Decade;

4. Requests those States which have not yet become parties to the Convention to ratify it or accede thereto;

26/ A/47/425.

5. Requests the States parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention;

6. Requests the Secretary-General to submit to the General Assembly at its forty-ninth session a report concerning the status of the Convention, in accordance with Assembly resolution 2106 A (XX) of 21 December 1965.

DRAFT RESOLUTION III

Report of the Committee on the Elimination of Racial Discrimination

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and its resolutions on the status of the International Convention on the Elimination of All Forms of Racial Discrimination, 18/

Reiterating the importance of the International Convention on the Elimination of All Forms of Racial Discrimination, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Aware of the importance of the contributions of the Committee to the efforts of the United Nations to combat racism and all other forms of discrimination based on race, colour, descent or national or ethnic origin,

Reiterating once again the need to intensify the struggle for the elimination of racism and racial discrimination throughout the world, especially its most brutal forms, such as apartheid,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Recalling the urgent appeals made by the Secretary-General, the General Assembly, the meetings of States parties to the Convention and the Committee itself to the States parties to honour their financial obligations under the Convention,

Expressing its appreciation for the efforts of the members of the Committee to explore ways and means to overcome the Committee's current financial crisis,

Welcoming the decision of the fourteenth meeting of the States parties to the Convention to amend article 8, paragraph 6, of the Convention and to add a new paragraph as article 8, paragraph 7, by which the members of the Committee

established under the Convention would henceforth receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, and aware of the need to consider that decision during its forty-seventh session,

Having considered the report of the Secretary-General on the financial situation of the Committee, 27/

1. Commends the Committee on the Elimination of Racial Discrimination for its work with regard to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;

2. Welcomes the innovatory procedures adopted by the Committee for reviewing the implementation of the Convention in States whose reports are overdue and for formulating concluding observations on State party reports;

3. Expresses its profound concern at the fact that a number of States parties to the Convention still have not fulfilled their financial obligations;

4. Expresses once again its concern that such a situation may lead to a further delay in the discharge of the substantive obligations of the Committee under the Convention;

5. Takes note with appreciation of the report of the Committee on the work of its forty-first session; 28/

6. Calls upon States parties to fulfil their obligations under article 9, paragraph 1, of the Convention, to submit in due time their periodic reports on measures taken to implement the Convention and to pay their outstanding contributions and, if possible, their contributions for 1993 before 1 February 1993, so as to enable the Committee to meet regularly;

7. Strongly appeals to all States parties, especially those in arrears, to fulfil their financial obligations under article 8, paragraph 6, of the Convention;

8. Requests the Secretary-General to invite those States parties which are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its forty-eighth session;

27/ A/47/481.

28/ A/47/18; to be issued as Official Records of the General Assembly, Forty-seventh Session, Supplement No. 18.

9. Decides to consider at its forty-eighth session, under the item entitled "Elimination of racism and racial discrimination", the report of the Secretary-General on the financial situation of the Committee and the report of the Committee.

DRAFT RESOLUTION IV

"Ethnic cleansing" and racial hatred

The General Assembly,

Recalling the Charter of the United Nations, the Universal Declaration of Human Rights, 17/ the International Covenants on Human Rights 29/ and the International Convention on the Elimination of All Forms of Racial Discrimination, 18/

Reaffirming its conviction that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming also its conviction that discrimination between human beings on the grounds of race, colour, religion or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within the same State,

Convinced that the existence of racial and ethnic barriers is repugnant to the ideals of any human society, and aware of the need to strengthen efforts to eliminate all forms of racial hatred,

Alarmed by the fact that, notwithstanding the efforts of the international community to eradicate them, there are still in many parts of the world manifestations of racial discrimination which are encouraged by a philosophy of racial superiority or hatred,

Deeply alarmed by policies and practices of "ethnic cleansing", which foster hatred and violence, wherever they occur,

Noting the importance of respecting the rights of persons belonging to national, ethnic, religious and linguistic minorities,

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29/ Resolution 2200 A (XXI), annex.

Reaffirming its resolution 46/242 of 25 August 1992, in which it states that the abhorrent practice of "ethnic cleansing" constitutes a grave and serious violation of international humanitarian law,

1. Condemns unreservedly "ethnic cleansing" and acts of violence arising from racial hatred;

2. Strongly rejects policies and ideologies aimed at promoting racial hatred and "ethnic cleansing" in any form;

3. Reaffirms that "ethnic cleansing" and racial hatred are totally incompatible with universally recognized human rights and fundamental freedoms;

4. Reiterates its conviction that those who commit or order the commission of acts of "ethnic cleansing" are individually responsible and should be brought to justice;

5. Demands that all those who commit or order acts of "ethnic cleansing" put an end to them immediately;

6. Calls upon all States to cooperate in eliminating all forms of "ethnic cleansing" and racial hatred.

DRAFT RESOLUTION V

Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The General Assembly,

Recalling its resolutions 41/103 of 4 December 1986, 42/56 of 30 November 1987, 43/97 of 8 December 1988, 44/69 of 8 December 1989, 45/90 of 14 December 1990 and 46/84 of 16 December 1991,

Mindful that the International Convention on the Suppression and Punishment of the Crime of Apartheid 30/ constitutes an important international treaty in the field of human rights and serves to implement the ideals of the Universal Declaration of Human Rights, 17/

Reaffirming its conviction that apartheid is a crime against humanity and constitutes a total negation of the purposes and principles of the Charter of the United Nations and a gross violation of human rights, seriously threatening international peace and security,

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30/ Resolution 3068 (XXVIII), annex.

Condemning the abhorrent policy and system of apartheid and the repression it engenders, which continue to aggravate the situation in South Africa,

Emphasizing that the root cause of the conflict in southern Africa is apartheid,

Deeply concerned at the continued collaboration of certain States and transnational corporations with the Government of South Africa, particularly in the military field, as an encouragement of its odious policy of apartheid,

Convinced that universal ratification of or accession to the Convention and the immediate implementation of its provisions will contribute to the eradication of the crime of apartheid,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid; 31/

2. Commends those States parties to the Convention that have submitted their reports under article VII thereof;

3. Appeals once again to all States, United Nations organs, the specialized agencies and international and national non-governmental organizations to step up their activities to enhance public awareness by denouncing the crimes committed by the Government of South Africa with a view to promoting further ratification of or accession to the Convention;

4. Underlines the importance of the universal ratification of the Convention, which would be an effective contribution to the fulfilment of the ideals of the Universal Declaration of Human Rights and other human rights instruments;

5. Appeals once again to those States that have not yet done so to ratify or to accede to the Convention without further delay;

6. Request the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention;

31/ A/47/426.

7. Also requests the Secretary-General to include in his next annual report under General Assembly resolution 3380 (XXX) of 10 November 1975 a special section concerning the implementation of the Convention.

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31. The Third Committee also recommends to the General Assembly the adoption of the following draft decisions:

DRAFT DECISION I

Elimination of racism and racial discrimination

The General Assembly, recalling its resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986, 43/92 of 8 December 1988 and 45/84 of 14 December 1990, and taking note of Commission on Human Rights resolution 1992/20 of 28 February 1992, decides:

(a) To express its appreciation to the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities for his considerable contribution to the cause of eliminating the policy of apartheid;

(b) To express its thanks to all Governments and organizations which have supplied the Special Rapporteur with information.

DRAFT DECISION II

Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa

The General Assembly takes note of the note by the Secretary-General transmitting the report of the Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonial regime of South Africa. 32/

32/ A/47/480 and Add.1.

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A

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Agenda item 92

RIGHT OF PEOPLES TO SELF-DETERMINATION

Report of the Third Committee

Rapporteur: Mr. Vitavas SRIVIHOK (Thailand)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 18 September 1992, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-seventh session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with item 91 at its 3rd to 10th, 13th, 20th and 25th meetings, on 5, 7 to 9, 14, 21 and 25 October and 2 November 1992. An account of the Committee's discussions is contained in the relevant summary records (A/C.3/47/SR.3-10, 13, 20 and 25).

3. For its consideration of the item, the Committee had before it the following documentation:

(a) Report of the Secretary-General (A/47/433);

(b) Note by the Secretary-General on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/47/412);

(c) Letter dated 17 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Solomon Islands to the United Nations addressed to the Secretary-General (A/47/391);

(d) Letter dated 25 August 1992 from the Permanent Representative of China to the United Nations addressed to the Secretary-General (A/47/564);

(e) Letter dated 20 October 1992 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/47/567-S/24695);

(f) Letter dated 7 October 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/C.3/47/3).

4. At the 3rd meeting, on 5 October, the Under-Secretary-General for Human Rights made a statement (see A/C.3/47/SR.3).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/47/L.4

5. At the 13th meeting, on 21 October, the representative of Mauritania, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft resolution entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights" (A/C.3/47/L.4).

6. At the 25th meeting, on 2 November, the representative of Mauritius, on behalf of the same sponsors, orally revised the draft resolution as follows:

(a) In the seventh preambular paragraph, the words "the intervention of" were replaced with the words "action by";

(b) In operative paragraph 10, the word "regime" was replaced with the word "Government";

(c) In operative paragraph 25, the words "anti-apartheid organizations and" were inserted before the words "national liberation movements".

7. At the same meeting, the representative of Israel made a statement in explanation of vote before the vote (see A/C.3/47/SR.25).

8. Also at the same meeting, the Committee adopted draft resolution A/C.3/47/L.4, as orally revised, by a recorded vote of 90 to 22, with 30 abstentions (see para. 19, draft resolution I). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Georgia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lebanon,

Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Argentina, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Hungary, Iceland, Israel, Italy, Luxembourg, Netherlands, Norway, Poland, Romania, Russian Federation, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Azerbaijan, Belarus, Costa Rica, Croatia, Estonia, Greece, Grenada, Ireland, Jamaica, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Malta, Marshall Islands, Micronesia (Federated States of), New Zealand, Panama, Portugal, Republic of Korea, Republic of Moldova, Slovenia, Spain, Swaziland, Turkey, Ukraine, Uruguay.

9. After the adoption of the draft resolution, statements were made by the representatives of Jamaica, Uruguay, Brazil, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Community), the Russian Federation, the United States of America, Australia, Japan, Panama and Zimbabwe (see A/C.3/47/SR.25).

B. Draft resolution A/C.3/47/L.5

10. At the 13th meeting, on 21 October, the representative of Pakistan, on behalf of Afghanistan, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Cape Verde, Chile, Colombia, the Comoros, Costa Rica, Djibouti, Ecuador, El Salvador, Guatemala, Iran (Islamic Republic of), Jordan, Kuwait, Malaysia, Mauritania, Morocco, Oman, Pakistan, Papua New Guinea, Qatar, Samoa, Saudi Arabia, Sierra Leone, Singapore, the Sudan, Thailand, Trinidad and Tobago and the United Arab Emirates, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/47/L.5). Subsequently, Bahrain, the Dominican Republic and Nicaragua joined in sponsoring the draft resolution.

11. At the 20th meeting, on 28 October, the Committee adopted draft resolution A/C.3/47/L.5 without a vote (see para. 19, draft resolution II).

12. After the adoption of the draft resolution, the representative of India made a statement (see A/C.3/47/SR.20).

C. Draft resolution A/C.3/47/L.7

13. At the 13th meeting, on 21 October, the representative of Cuba, on behalf of Angola, Colombia, Cuba, Ecuador, Mexico, Namibia, Nigeria, Sierra Leone, Uganda, the United Republic of Tanzania, Viet Nam, Zambia and Zimbabwe, introduced a draft resolution entitled "Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination" and orally revised it by deleting from operative paragraph 4 the words "and for the destabilization of the Governments of southern African States" (A/C.3/47/L.7).

14. Subsequently, Liberia joined in sponsoring the draft resolution.

15. At the 25th meeting, on 2 November, the representative of Cuba further orally revised the draft resolution by replacing the words "racist South African regime" with the words "Government of South Africa" in operative paragraph 4.

16. At the same meeting, the representative of Israel made a statement in explanation of vote before the vote (see A/C.3/47/SR.25).

17. Also at the same meeting, the Committee adopted draft resolution A/C.3/47/L.7 by a recorded vote of 96 to 10, with 36 abstentions (see para. 19, draft resolution III). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Republic of Korea, Republic of Moldova, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Belgium, Bulgaria, France, Germany, Italy, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Australia, Austria, Azerbaijan, Belarus, Canada, Croatia, Czechoslovakia, Denmark, Estonia, Finland, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Malta, Marshall Islands, Micronesia (Federated States of), New Zealand, Norway, Poland, Romania, Russian Federation, Slovenia, Spain, Swaziland, Sweden, Turkey, Ukraine.

18. After the adoption of the draft resolution, statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland, on behalf of the States Members of the United Nations that are members of the European Community, Japan, Brazil and Kazakhstan (see A/C.3/47/SR.20).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

19. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights

The General Assembly,

Reaffirming its faith in the importance of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Reaffirming also the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperatives for the full enjoyment of all human rights,

Reaffirming further the obligation of all Member States to comply with the principles of the Charter of the United Nations and the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and foreign domination,

Recalling its resolution 1514 (XV) and all relevant resolutions concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Considering the urgent need of Namibia for assistance in its efforts to reconstruct and strengthen its fledgling economic and social structures,

Recalling with satisfaction the adoption at Harare on 21 August 1989 of the Declaration of the Ad Hoc Committee of the Organization of African Unity on Southern Africa on the question of South Africa 1/ and its subsequent endorsement by the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989, 2/ as well as the report of the Monitoring Group of the Ad Hoc Committee of the Organization of African Unity on Southern Africa, 3/ and the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 4/ adopted by the General Assembly on 14 December 1989,

Welcoming Security Council resolution 765 (1992) of 16 July 1992, and Council resolution 772 (1992) of 17 August 1992, which, inter alia, provides the basis for action by the Secretary-General in South Africa in order to assist the people of South Africa in ending the violence in that country,

Recalling the Abuja Declaration on South Africa, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-seventh ordinary session, held at Abuja from 3 to 5 June 1991, 5/

Reaffirming that the system of apartheid imposed on the South African people constitutes a violation of the fundamental rights of that people, a crime against humanity and a threat to regional peace and security,

Deeply concerned that, in spite of the National Peace Accord signed on 14 September 1991, 6/ acts of assassination of members and leaders of national liberation movements in South Africa are still continuing,

Recalling its resolution 46/79 A, adopted by consensus on 13 December 1991, in which, inter alia, it reaffirmed the need for the full implementation of the provisions of the Declaration on Apartheid and its Destructive Consequences in Southern Africa that were not yet fulfilled,

Noting with concern that, while significant legal and political measures in the right direction have been undertaken by the Government of South Africa, there remain various pieces of security legislation that restrict the possibilities for free and peaceful political activity, and that apartheid remains in place,

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1/ A/44/697, annex.

2/ See A/44/551-S/20870, annex.

3/ A/44/963, annex.

4/ Resolution S-16/1, annex.

5/ A/46/390, annex II.

6/ See Centre Against Apartheid, Notes and Documents, No. 23/91.

Noting with concern that political trials and the detention of opponents of apartheid continue in South Africa in total disregard of the provisions of the Declaration on Apartheid and its Destructive Consequences in Southern Africa,

Deeply concerned about the current wave of violence in South Africa resulting from the continued existence of apartheid policies, practices and structures as well as from actions of those forces opposed to the democratic transformation of the country,

Gravely concerned that a number of South African patriots remain on death row,

Welcoming the signing of the General Peace Agreement for Mozambique 7/ at Rome on 4 October 1992, which provides for the termination of the armed conflict in that country,

Reaffirming the national unity and territorial integrity of the Comoros,

Recalling the Geneva Declaration on Palestine and the Programme of Action for the Achievement of Palestinian Rights, adopted by the International Conference on the Question of Palestine, 8/

Considering that the continuation of the Israeli oppressive measures and the denial of the inalienable rights of the Palestinian people to self-determination, sovereignty, independence and return to Palestine constitute a serious threat to international peace and security,

Bearing in mind United Nations resolutions related to the question of Palestine and the rights of the Palestinian people,

Deeply concerned and alarmed at the deplorable consequences of Israel's acts of aggression against Lebanon and its practices in and its continuing occupation of parts of southern Lebanon, as well as its refusal to implement the relevant resolutions of the Security Council, in particular resolution 425 (1978) of 19 March 1978,

1. Calls upon all States to implement fully and faithfully all the relevant resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination;

7/ S/24635, annex.

8/ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), chap. I.

2. Reaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation, in all its forms and by all available means;

3. Reaffirms also the inalienable right of the Palestinian people and all peoples under foreign occupation and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without foreign interference;

4. Calls upon those Governments which do not recognize the right to self-determination and independence of all peoples still under colonial domination, alien subjugation and foreign occupation to do so;

5. Calls upon Israel to refrain from the constant, deliberate violations of the fundamental rights of the Palestinian people, which constitute an obstacle to the achievement of self-determination and independence by the Palestinian people and the ongoing efforts towards comprehensive peace in the region;

6. Urges all States, the specialized agencies and organizations of the United Nations system, as well as other international organizations, to extend their support to the Palestinian people through its sole and legitimate representative, the Palestine Liberation Organization, in its struggle to regain its right to self-determination and independence in accordance with the Charter of the United Nations;

7. Urgently appeals to all States, the organizations of the United Nations system and other international organizations to render assistance to Namibia in order to enhance its efforts in promoting democracy and economic development;

8. Reaffirms its rejection of the so-called "tri-cameral constitution" of 1983 as null and void, and reiterates that peace in South Africa can be guaranteed only by the establishment of majority rule through the full and free exercise of adult suffrage by all the people in a united and undivided South Africa;

9. Strongly urges the Government of South Africa to take additional steps to implement fully the provisions of the Declaration of the Ad Hoc Committee of the Organization of African Unity on Southern Africa on the question of South Africa, 1/ and the Declaration on Apartheid and its Destructive Consequences in Southern Africa; 4/

10. Calls for an immediate end to violence and calls upon the Government of South Africa to exercise its responsibility to end it through, inter alia, strict adherence to the National Peace Accord;

11. Calls upon all signatories to the National Peace Accord to manifest their commitment to peace by fully implementing its provisions and calls upon all other parties to contribute to the attainment of its objectives;

12. Strongly condemns the establishment and use of armed groups with a view to pitting them against the national liberation movements;

13. Demands that the Government of South Africa repeal the security legislation that remains in force, which inhibits free and peaceful political activity;

14. Requests the Secretary-General to act speedily to implement Security Council resolution 772 (1992) in its entirety, including those parts pertaining to the investigation of criminal conduct and the monitoring of all armed formations in the country;

15. Demands the full application of the mandatory arms embargo against South Africa, imposed under Security Council resolution 418 (1977) of 4 November 1977, by all countries and more particularly by those countries which maintain military and nuclear cooperation with the Government of South Africa and continue to supply it with related matériel;

16. Expresses its deep concern about the actions by certain countries whose premature relaxation of existing measures against the South African regime, in flagrant violation of the United Nations consensus declaration, encourages the regime to persist in its oppression of the Black majority with regard to their right to self-determination;

17. Strongly urges the international community, pursuant to General Assembly resolution 46/87 of 16 December 1991, to continue to extend maximum assistance to Lesotho to enable it to fulfil its international humanitarian obligations towards refugees;

18. Pays tribute to the Government and people of Angola for their noble contribution to the evolving climate of peace in southern Angola;

19. Demands that the Government of South Africa pay compensation to Angola for damages caused, in accordance with the relevant decisions and resolutions of the Security Council;

20. Demands also that the Government of South Africa pay full and adequate compensation to Botswana for the loss of life and damage to property resulting from the unprovoked and unwarranted military attacks of 14 June 1985, 19 May 1986 and 20 June 1988 on the capital of Botswana;

21. Calls upon the international community to extend its generous support to the ongoing efforts aimed at ensuring respect for and the successful implementation of the General Peace Agreement for Mozambique signed at Rome on 4 October 1992 7/ and at assisting the Government of Mozambique in the establishment of lasting peace and democracy and in the promotion of an effective programme of national reconstruction in that country;

22. Fully supports the Secretary-General in his efforts to implement the plan for the settlement of the question of Western Sahara by organizing, in

cooperation with the Organization of African Unity, a referendum for the self-determination of the people of Western Sahara;

23. Notes the contacts between the Government of the Comoros and the Government of France in the search for a just solution to the problem of the integration of the Comorian island of Mayotte into the Comoros, in accordance with the resolutions of the Organization of African Unity and the United Nations on the question;

24. Strongly condemns the continued violation of the human rights of the peoples still under colonial domination and alien subjugation;

25. Calls for a substantial increase in all forms of assistance given by all States, United Nations organs, the specialized agencies and non-governmental organizations to the victims of racism, racial discrimination and apartheid through anti-apartheid organizations and national liberation movements recognized by the Organization of African Unity;

26. Reaffirms that the practice of using mercenaries against sovereign States and national liberation movements constitutes a criminal act, and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

27. Demands the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and compliance with article 5 of the Universal Declaration of Human Rights, 9/ under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

28. Expresses its appreciation for the material and other forms of assistance that peoples under colonial rule continue to receive from Governments, organizations of the United Nations system and other intergovernmental organizations, and calls for a substantial increase in that assistance;

29. Urges all States, the specialized agencies and other competent organizations of the United Nations system to do their utmost to ensure the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to intensify their efforts to support peoples under colonial, foreign and racist domination in their just struggle for self-determination and independence;

30. Decides to consider this question at its forty-eighth session under the item entitled "Right of peoples to self-determination".

9/ Resolution 217 A (III).

DRAFT RESOLUTION II

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, 10/ as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its thirty-sixth, 11/ thirty-seventh, 12/ thirty-eighth, 13/

10/ Resolution 2200 A (XXI), annex.

11/ See Official Records of the Economic and Social Council, 1980, Supplement No. 3 and corrigendum (E/1980/13 and Corr.1), chap. XXVI, sect. A.

12/ Ibid., 1981, Supplement No. 5 and corrigendum (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

13/ Ibid., 1982, Supplement No. 2 and corrigendum (E/1982/12 and Corr.1), chap. XXVI, sect. A.

thirty-ninth, 14/ fortieth, 15/ forty-first, 16/ forty-second, 17/ forty-third, 18/ forty-fourth, 19/ forty-fifth, 20/ forty-sixth, 21/ forty-seventh 22/ and forty-eighth 23/ sessions,

Reaffirming its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983, 39/18 of 23 November 1984, 40/24 of 29 November 1985, 41/100 of 4 December 1986, 42/94 of 7 December 1987, 43/105 of 8 December 1988, 44/80 of 8 December 1989, 45/131 of 14 December 1990 and 46/88 of 16 December 1991,

Taking note of the report of the Secretary-General, 24/

1. Reaffirms that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

14/ Ibid., 1983, Supplement No. 3 and corrigendum (E/1983/13 and Corr.1), chap. XXVII, sect. A.

15/ Ibid., 1984, Supplement No. 4 and corrigendum (E/1984/14 and Corr.1), chap. II, sect. A.

16/ Ibid., 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

17/ Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

18/ Ibid., 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

19/ Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

20/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

21/ Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

22/ Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

23/ Ibid., 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

24/ A/47/433.

2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. Calls upon those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of these acts against the peoples concerned;

4. Deplores the plight of the millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. Requests the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. Requests the Secretary-General to report on this issue to the General Assembly at its forty-eighth session under the item entitled "Right of peoples to self-determination".

DRAFT RESOLUTION III

Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolutions 44/34 and the annex thereto of 4 December 1989, 45/132 of 14 December 1990 and 46/89 of 16 December 1991 on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples,

Urging strict respect for the principle of the non-use or threat of the use of force in international relations, as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 25/

25/ Resolution 2625 (XXV), annex.

Reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign intervention and occupation, and that their legitimate struggle can in no way be considered as or equated to mercenary activity,

Convinced that the use of mercenaries is a threat to international peace and security,

Deeply concerned about the menace that the activities of mercenaries represent for all States, particularly African and other developing States,

Profoundly alarmed at the continued international criminal activities of mercenaries in collusion with drug traffickers,

Recognizing that the activities of mercenaries are contrary to the fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and impede the process of the self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination,

Recalling all of its relevant resolutions, as well as those of the Security Council, the Economic and Social Council and the Organization of African Unity, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements,

Deeply concerned about the loss of life, the substantial damage to property and the short-term and long-term negative effects on the economy of southern African countries resulting from mercenary aggression,

Convinced that it is necessary to develop international cooperation among States for the prevention, prosecution and punishment of such offences,

Welcoming the adoption of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 26/

1. Takes note with appreciation of the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination; 27/

26/ Resolution 44/34, annex.

27/ A/47/412, annex.

2. Condemns the continued recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries, for the purpose of destabilizing and overthrowing the Governments of African States and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination;

3. Reaffirms that the use of mercenaries and their recruitment, financing and training are offences of grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

4. Notes with serious concern the use by the Government of South Africa of groups of armed mercenaries against national liberation movements;

5. Denounces any State that persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States;

6. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries, or for the planning of activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention or occupation;

7. Calls upon all States to extend humanitarian assistance to victims of situations resulting from the use of mercenaries, as well as from colonial or alien domination or foreign occupation;

8. Reaffirms that to use channels of humanitarian and other assistance to finance, train and arm mercenaries is inadmissible;

9. Calls upon all States that have not yet done so to consider taking early action to accede to or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries; 26/

10. Requests the Special Rapporteur of the Commission on Human Rights to report to the General Assembly at its forty-eighth session on the use of mercenaries, especially in view of the additional elements highlighted in his report. 27/